

PLAN AMENDMENT REPORT

Meeting Date: May 16, 2011

Reference Name	Hill Street Residential (A1100004)	Jurisdiction	City
Applicant	Gemini Homes of NC Corporation		
Request Change in Comprehensive Plan Designation	From:	Commercial	
	To:	Medium Density Residential (6-12 DU/Ac.)	
Site Characteristics	Tier:	Urban	
	Present Use:	Residential/Vacant	
	Present Zoning:	CN (Neighborhood Commercial)	
	Overlays:	None	
	Size:	0.625 acres	
Location	1311 - 1319 Hill Street, north of University Drive and south of West Lakewood Avenue		
PIN(s)	0821-15-63-4669, -4784, -4788, -4881, -4884, -5605		
Recommendations	Staff	Approval, based on the request being justified and meeting the four criteria for plan amendments	
	Planning Commission	Approval, April 12, 2011, 13-0, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments	

A. Summary

The proposed plan amendment would change the Future Land Use Map designation from Commercial to Medium Density Residential (6-12 DU/Ac.) for six parcels located north of University Drive and south of West Lakewood Avenue at 1311 - 1319 Hill Street in the Urban Tier. The total land area to be affected is 0.625 acres. There is an associated rezoning request (Z1100004) for these six parcels. The applicant's intent is to resume construction of semi-attached residences that had been approved under the previous zoning ordinance.

B. Site History

Provisions under the previous zoning ordinance allowed for the construction of semi-attached houses within the Neighborhood Commercial (NC) zoning district. Two units at 1311 Hill Street were completed, and two units at 1315 Hill Street began construction a few years ago but have not been completed. The building permits for the two units at 1315 Hill Street have since expired. When the *Durham Comprehensive Plan* was adopted in 2005 these properties were designated as Commercial on the Future Land Use Map. Furthermore, the existing Neighborhood Commercial (CN) district under the Unified Development Ordinance, adopted in 2006, does not permit semi-attached houses. This plan amendment request and associated zoning map change are required in order to allow completion of the partially built semi-attached houses for 1315 Hill Street, as well as an additional two semi-attached houses at 1319 Hill Street.

C. Applicant's Plan Amendment Justification

The applicant states its intent to redesignate the site and amend the zoning map in order to complete the construction of a six unit residential development. The applicant's justification statement asserts that, "Before the current UDO went into effect this property was...approved for a residential townhome development. The first four units were started and the roads, parking, curb and gutter were completed. The first two units were completed and sold to homeowners." According to the applicant, "the original builder got in financial trouble and construction stopped ... It has been a boarded up job site for two years." The applicant claims, "The best use of this property is to finish what the previous developers had approved and started." Furthermore, the applicant contends the property dimensions are not great enough to accommodate a commercial use, as called for on the Future Land Use Map.

Staff Analysis and Conclusion: The applicant is requesting a Future Land Use Map change for six parcels from Commercial to Medium Density Residential (6-12 DU/Ac.) with the stated intention of resuming construction on a six unit residential development. This project had been approved prior to the adoption of the Unified Development Ordinance and Future Land Use Map. Construction was halted after the first two units were built and occupied.

Currently at the site are two residential units that have been completed and are occupied, as well as driveways and parking areas; yet the remainder of the site consists of incomplete structures and vacant land. As the applicant's justification statement notes, the configuration of existing structures and infrastructure on site, the setback and parking requirements, as well as a sewer easement through the adjacent lot, would restrict the feasibility of developing the property for commercial use.

The site is adjacent to residential uses to the west and north along Hill Street and commercial uses to east and south along University Drive. Therefore, the proposed designation is compatible with the surrounding uses. The plan amendment is justified based on a more detailed look at the site.

D. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations).

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

The proposed plan amendment has been evaluated against these criteria.

1. Plan Consistency

Durham Comprehensive Plan Land Use Policy 2.2.5a., Demand for Commercial Land, indicates that in evaluating plan amendments, the Governing Boards and the City-County Planning Department shall consider the demand for commercial land and the capacity of transportation, water systems, sewer systems, and other public facilities and services. Durham has sufficient land designated for commercial uses on the Future Land Use Map to accommodate a decrease in commercial land by 0.625 acres for the purposes of residential development. The City-County Planning Department projects a demand of 4,655 acres by the year 2035. The *Durham Comprehensive Plan* currently accommodates approximately 6,700 acres of commercial land, so the loss of potential commercial acreage by the proposed plan amendment is not significant.

University Drive is the major road impacted by the proposed plan amendment. University Drive has a capacity of 14,600 annual average daily trips (AADT) and the most recent traffic volume is 12,000 (2009 estimate) annual average daily trips (AADT). Development under the proposed Medium Density Residential (6-12 DU/Ac.) designation could result in a decrease of 2,424 daily trips

compared to the existing Commercial designation. Traffic generation and road capacity are analyzed in greater detail in the zoning map change staff report.

Development allowed with the proposed plan amendment change is estimated to generate a demand for water of 625 gallons per day (GPD). This represents a decrease of about 305 GPD from what development with the present land use designation would allow. Durham has sufficient capacity in water and sewer systems and other public facilities to accommodate the change of designation.

Water Supply Impacts	
Current Water Supply Capacity	37.00 MGD
Present Usage	20.19 MGD
Committed to Date (April 2007 through March 2010)	1.45 MGD
Available Capacity	15.36 MGD
Estimated Water Demand Under Present Land Use*	930 Gallons per day
Potential Water Demand Under Proposed Land Use**	625 Gallons per day
Impact of Plan Amendment	305 Gallon per day reduction in water demanded
Notes: MGD = Million gallons per day *Assumption: Existing Land Use of Designation of Commercial, consisting of a 5,000 SF fast-food restaurant with a drive-thru **Assumption: Proposed Land Use Designation of Medium Density Residential ((6-12 DU/Ac.), consisting of a six single-family homes	

Staff Conclusion: The request is consistent with the intent, goals, objectives, policies, guiding principles and programs of adopted plans and, therefore, meets criterion 3.4.7.A.

2. Compatibility

The site is located on Hill Street off of University Drive in the Urban Tier. The areas adjacent to the north and west are single- and multi-family residential and are designated Medium Density Residential (6-12 DU/Ac.) on the Future Land Use Map. The property on the corner of University Drive and Hill Street operates as an office, however is residential in design. The land south and east along University Drive is a commercial node anchored by Forest Hills Plaza. Parcels on both sides of University Drive from Vickers Avenue to the Downtown Tier boundary are designated as Commercial on the Future Land Use Map.

Area Land Uses and Designations		
	Existing Uses	Land Use Designations
North	Single-family residential, vacant	Medium Density Residential (6-12 DU/Ac.)
East	Commercial, vacant	Commercial
South	Commercial, single-family residential	Commercial
West	Single- and multi-family residential, office, vacant	Medium Density Residential (6-12 DU/Ac.) and Commercial

The proposed Medium Density Residential (6-12 DU/Ac.) designation is a reasonable request, given the existing mix of single- and multi-family residential, office, and commercial uses within a two-block area around the proposed development. The proposed plan amendment is compatible with the surrounding uses.

Staff Conclusion: The proposed plan amendment is compatible with the existing land use pattern and designated future land uses in the area and, therefore, meets criterion 3.4.7.B.

3. Adverse Impacts

The site is currently partially developed. There is a completed semi-attached house (two residential units) at 1311 Hill Street and a partially completed, boarded-up structure at 1315 Hill Street. Driveway access to a parking area is available from Hill Street and University Drive. Two lots are cleared at 1319 Hill Street, but remain vacant. Not allowing the site to be constructed to its previously approved completion could result in adverse impacts to the community through the presence of boarded-up, incomplete structures.

The site is not within a Watershed Overlay District and there is no reason to believe that any environmental impacts would preclude the site from being developed consistent with Unified Development Ordinance standards.

Staff Conclusion: The proposed plan amendment would not create substantial adverse impact in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7.C.

4. Adequate Shape and Size

The total land area being proposed for redesignation is 0.625 acres. While this exceeds the minimum lot size required for a commercial use, setbacks and parking requirements make a commercial use less viable. The lot immediately east along University Drive contains a sewer easement and further restricts the development potential for commercial uses. The site is of adequate size and appropriate shape to support residential development consistent with ordinance requirements.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

E. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Southside Neighborhood Association
- Forest Hills Neighborhood Association
- Forest Hills Neighborhood Alliance
- Morehead Hill Neighborhood Association
- Inter-Neighborhood Council
- Partners Against Crime – District 4
- Fayetteville Street Planning Group
- Friends of Durham
- Unity for the Community in Progress

F. Recommendation

Staff recommends approval, based on the request being justified and meeting the four criteria for plan amendments.

The Planning Commission recommended approval, 13-0, April 12, 2011, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments.

G. Staff Contact

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H. Attachments

1. Map 1, Future Land Use Map
2. Map 2, Aerial Photograph
3. Applicant's Justification Statement
4. Planning Commission Written Comments
5. Resolution